

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
October 31, 2018

The Lake County Planning and Zoning Board met on Wednesday, October 31, 2018, in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, November 20, 2018 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Kathryn McKeeby, Secretary	District 1
Laura Jones Smith, Chairman	District 2
Lawrence "Larry" King	District 3
Rick Gonzalez	District 4
Jeffrey Myers	District 5
Kasey Kesselring	At-Large Representative
Sandy Gamble, Vice-Chairman	School Board Representative

Members Not Present:

Donald Heaton	Ex-Officio Non-Voting Military
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Staff Present:

Tim McClendon, AICP, Director, Office of Planning and Zoning
Steve Greene, AICP, Chief Planner, Office of Planning & Zoning
Michele Janiszewski, Chief Planner, Office of Planning & Zoning
Christine Rock, Planner, Office of Planning and Zoning
Matthew Moats, Assistant County Attorney
Donna Bohrer, Public Hearing Associate, Office of Planning & Zoning
Debi Dyer, Office Associate III, Office of Planning & Zoning
Josh Pearson, Deputy Clerk, Board Support

Chairman Laura Jones Smith called the meeting to order at 9:00 a.m., noted that a quorum was present and led the Pledge of Allegiance.

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Office of Planning and Zoning, said that staff had received a written request to continue Tab 5 to the next public hearing date; additionally, staff received a verbal request to continue Tab 8. He added that staff also wanted to move Tab 9 to the consent agenda.

Ms. Laura Jones Smith asked who submitted the verbal request to continue Tab 8.

Mr. Greene relayed that a phone call from the applicant was received, that staff requested that the applicant submit the request in writing, and that a written request had not yet been received.

Ms. Jones Smith asked for a legal opinion on this matter.

Mr. Matthew Moats, Assistant County Attorney, indicated that the Board could still hear the case since a written request to continue it was not received, or they could vote to continue it.

MOTION by Rick Gonzalez, SECONDED by Sandy Gamble to CONTINUE Tab 8, The Brooks Company CUP, until the next Planning and Zoning Board meeting.

FOR: Jones Smith, McKeeby, King, Gonzalez, Myers, Gamble and Kesselring

AGAINST: None

MOTION CARRIED: 7-0

Mr. Greene stated that there were no other changes to the agenda.

Ms. Jones Smith stated that while Tab 9 was requested to be moved to the consent agenda, she had questions about the item. She suggested keeping the item on the regular agenda.

Mr. Larry King expressed that he had questions about Tabs 1, 2, 3 and 4.

Ms. Jones Smith then noted that speaker cards had been received for Tabs 1, 3 and 4, and she asked about Mr. King's questions for Tab 2.

Mr. King asked these questions pertaining to Tab 2: what would be the definition of a primitive campsite; were only 53 acres of the approximate 200 acre site being rezoned; and where were these 53 acres located.

Mr. Greene replied that it would be a campground site with a tent and non-gas operated equipment and apparatus. He confirmed that only 53 acres were being rezoned and clarified that the majority of the use would occur on the east side of Lake Lena Lane, noting that the concept plan in the ordinance showed the activity area.

MINUTES

MOTION by Sandy Gamble, **SECONDED** by Kathryn McKeeby to **APPROVE** the Minutes of October 3, 2018 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Jones Smith, McKeeby, King, Gonzalez, Myers, Gamble and Kesselring

AGAINST: None

MOTION CARRIED: 7-0

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Tab 2	RZ-18-11-3	Great Scott's RV Park PUD Rezoning
Tab 3	RZ-18-15-1	Hilochee Partners – Montevista Road PUD Rezoning
Tab 4	RZ-18-14-1	Living Message Church CFD Rezoning
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REGULAR AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 6	RZ-17-30-1	Walker Property PUD
Tab 7	RZ-18-07-4	Gupta & Tayal Rezoning
Tab 8	CUP-18-02-4	The Brooks Company CUP
Tab 9	2018-XX	Landscape Ordinance

Other Business

Adjournment

PUBLIC COMMENT

No one wished to address the Board at this time.

CONSENT AGENDA

Tab 2 RZ-18-11-3 Great Scott's RV Park PUD Rezoning

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE Tab 2 on the Consent Agenda.

FOR: Jones Smith, McKeeby, King, Gonzalez, Myers, Gamble and Kesselring

AGAINST: None

MOTION CARRIED: 7-0

Mr. Greene asked if the Board's consent agenda included Tab 6, and the Board confirmed that it did not. He said that for Tab 6, Walker Property PUD, the applicant was present and staff had no concerns with the case. He relayed that staff recommended approval of this item.

Mr. Rick Gonzalez asked if Mr. Greene would prefer Tab 6 to be part of the consent agenda, and Mr. Greene confirmed this.

Ms. Jones Smith asked if it would be better for the Board to move Tab 6 to the consent agenda or keep it on the regular agenda.

Mr. Moats remarked that if there was no opposition and the applicant had no comments, then there could be a motion by the Board to approve it.

Ms. Jones Smith opened the floor for public comment on Tab 6, but no citizens wished to address the Board at this time.

MOTION by Rick Gonzalez, SECONDED by Sandy Gamble to APPROVE Tab 6 on the Consent Agenda.

FOR: Jones Smith, McKeeby, King, Gonzalez, Myers, Gamble and Kesselring

AGAINST: None

MOTION CARRIED: 7-0

REGULAR AGENDA

Tab 1 – RITE OF PASSAGE REZONING AMENDMENT

Mr. Greene stated that all of the cases were duly advertised in accordance with the law. He then presented Tab 1, Rezoning Case RZ-18-13-5, Rite of Passage Rezoning Amendment. He explained that this request was to amend Community Facility District (CFD) Ordinance 2009-54 to allow educational services, vocational training, life skills development and recreational opportunities for families and youth. He said that this property was the former All Star Sports Camp, was located on Jane Lane in the Paisley Area, and was approximately 40 acres in size. He commented that the applicant was seeking to amend the rezoning ordinance for what was primarily an active, professional physical training facility for local high school and collegiate athletes, and it would now act as a facility for life skills improvements and training for youth. He said that staff determined that the request was consistent with the rural land use category, which allowed CFD zonings, and the request would be a comprehensive training and educational facility which was also permissible in this land use category. He also said that staff determined that the level of impacts would not be adverse, that existing levels of service would not be negatively affected, and that there were no requests to add any additional acreage. He concluded that staff found the request to be consistent with the previously approved ordinance and recommended approval.

Mr. Sandy Gamble declared a voting conflict due to the case involving the Lake County School Board. He elaborated that the School Board was relevant to the case in conjunction with the Florida Department of Juvenile Justice (DJJ) and that they were required to help provide education for the facility. He said that he would be abstaining from the vote.

Mr. King asked about the prior use of the property and about the definition of a developmentally delayed youth.

Mr. Greene replied that the prior use was a professional sports training facility for collegiate and high school athletes.

Mr. Mike Cantrell, the applicant and Executive Director for Rite of Passage, responded that a development delayed youth would have an intelligence quotient (IQ) generally between 60 and 70 and would comprise the children who would receive services in the facility.

Mr. Gonzalez inquired if the facility would service homeless and transient individuals.

Mr. Cantrell replied that the facility would not house homeless and transient children. He specified that the children would be referred by the DJJ and that they would be the lowest risk children within the juvenile justice system. He said that the facility staff would be working to train them educationally and vocationally; additionally, the staff would be working with their families to help reunify them with the children if this was the safest option for them. He added that the facility staff could also work with the DJJ or the Florida Department of Children and Families (DCF) to find them a safe home.

Mr. Gonzalez asked if the children would stay on the campus and not be present in nearby neighborhoods.

Mr. Cantrell confirmed that this was correct and reiterated that they would be the lowest risk population in the DJJ system. He stated that these children were generally bullied at school, likely initiated physical contact at school or violated probation for truancy, leading to a judge committing them to the DJJ. He stated that the DJJ would then utilize a strict assessment process to ensure an understanding of a child's risk level, which would then be used to refer them to programs such as Rite of Passage.

Mr. Gonzalez asked if the applicant had similar programs throughout the country.

Mr. Cantrell responded that they had a program in the State of Colorado which serviced the same population and that the sheriff's department there indicated that they had only received one call for the facility there in eight years and that in the past sixteen years, the sheriff's department had only been called out five times. He added that those calls were for children who required assistance in regaining mental control, and he relayed that the sheriff's department there indicated that the facility had not deteriorated the community in any way.

Mr. Gonzalez asked if the children would be housed onsite, and inquired about the staffing level per student.

Mr. Cantrell replied that children would be housed onsite and indicated that there would be one staff member per six students, twenty-four hours per day.

The Chairman opened the floor for public comment.

Ms. Carrie Sekerak, Deputy District Ranger for the Ocala National Forest, noted the following points: the federal government would not entertain changes to the road structure or alignment for this project; there was a two year prescribed fire program for fuels reduction and habitat improvement, and active land management around the subject property would be continued; for the previous two land owners, there had been a number of encroachment and trespass issues, including the alteration of state sovereign submerged land on the north side of the property resulting from personal use; there was the introduction of non-native vegetation to federal lands from previous land owners; federal land had been used as a source of filter for

the property; and the previous owners did not receive outfitter guide permits to use Ocala National Forest for commercial excursions. She requested a review of any new surveys and stated that the surveys should concur with the federal land surveys; additionally, she requested to cooperate with the land owners to obtain an outfitter guide permit to ensure that their program would align with the mission and the regulations of the United States Department of Agriculture (USDA) Forest Service. She concluded that if the owner wanted to utilize the federal property for their missions, there should be group volunteer projects to align with their mission.

Mr. Gonzalez asked if she had no opposition to the project, and Ms. Sekerak confirmed that she did not.

Mr. Andrew Grüb, a concerned neighbor of the development, said that he had lived next to the subject property for over 60 years. He relayed that his biggest concern was that children from throughout the state would be brought into a prison facility to be located in Paisley. He noted that a temporary sports facility had been located there previously and that it was never a permanent residential facility. He expressed concerns with bringing in teenage boys who experienced challenges with schools and families and placing them adjacent to a community with numerous senior adults. He also indicated concerns about the safety of his family and that there would only be four staff members at nighttime with up to 43 children housed there. He opined that the operation would be profit driven and that the state was paying the organization based on their beds.

Mrs. Valeri Grüb, a concerned neighbor of the development, stated that she and two other individuals were part of a trust for the property that was adjacent to the subject property. She indicated that she had chosen the area for its peace and safety, though she would not feel safe with children involved with the DJJ living there. She noted that both properties would share a lake and she opined while the organization indicated that the children would not use the lake, the children could possibly leave the property to use it. She mentioned that a child seeking to leave the property would not use the forest which bordered three sides of the parcel and would instead cross a fence into a nearby pasture. She commented that the two ways out of the subject property were Jane Lane and South Boulevard, the latter of which led to the Deerhaven community. She opined that the previous sports camp was noisy and bright, though it was temporary while the proposed facility would be permanent. She expressed that she did not want a jail to be located near her property and that she would have to take extra safety precautions if it was approved.

Ms. Barbara Nagy, a resident of the Deerhaven community, said that she lived approximately one-quarter mile away from the northeast corner of the proposed facility. She stated that many of the retirees there chose the location as a safe haven and had concerns about the proposed facility and the zoning change. She said that there were four categories under the DJJ for their residential facilities and that Rite of Passage would be a non-secure residential facility. She indicated that the DJJ was also involved with high risk residential facilities and relayed a concern that if the zoning was changed and if Rite of Passage would sell the property in the future, then there would be a chance of a high risk or maximum risk residential facility being

placed there. She noted that all elements of the rezoning were consistent with the Comprehensive Plan (Comp Plan) Policy I-4.4.4, though she was unsure how the property could be rezoned when this particular Rural Future Land Use Category (FLUC) policy was intended to protect rural lifestyles represented by single family homes on large lots.

Ms. Martina Ellis, a resident of Tavares and one of the anticipated supervisors for Rite of Passage, said that she had a background in juvenile justice services and working with developmentally disabled children. She opined that the teenagers were being stereotyped and that personal protection would not be required due to their presence. She noted that the children to be serviced at Rite of Passage were on the lower spectrum of risk, and facilities such as Rite of Passage existed to ensure the safety of this population and prevent them from being victimized in a higher risk institution.

Ms. Rebecca White, a resident of Deltona and the proposed Clinical Director for Rite of Passage, said that she had been working with this juvenile population in a closed residential setting for over 10 years. She commented that she had seen these types of facilities improve communities with employment, and the facility was proposing to help these juveniles become productive members of society. She indicated that the staff wanted to prevent the juveniles from returning to the juvenile justice system and becoming high risk.

Mr. Gonzalez asked how mobile the children would be and how their disabilities would affect this. He also asked if much violence was witnessed with this population and if she would consider the proposed facility to be a prison.

Ms. White replied that their disabilities pertained to a slower rate of learning skills such as reading, mathematics or daily skills, but they were not immobile. She said that incidents can occur with any age or gender population and that the staff was attempting to stop the cycle of entering the justice system. She opined that she would not consider the facility to be a prison.

Ms. Kathryn McKeeby inquired if the facility was just for male offenders, and Ms. White confirmed this.

Mr. Gonzalez asked how many times Ms. White had been assaulted by population she had worked with.

Ms. White stated that she had never filed assault charges on a child.

There being no one else to address the Board about this case, the Chairman closed the floor for public comment.

Mr. Cantrell said that he met with the community and that many citizens were invited to serve on his organization's community advisory board. He noted that he had been contacted by several community members about providing religious services for the children and that some citizens had offered to volunteer. He relayed that his company performed nearly 44,000 hours of community service across the country and that they wanted the children to give back to the

community through community service projects. He remarked that the effort would involve his staff and the Lake County School Board to help prepare the children through education. He indicated a willingness to be transparent with the community and to invite residents to be involved so that the organization could positively impact the children's lives.

Ms. McKeeby asked if he discussed the project with the adjacent neighborhood. She also asked if the eligibility and selection criteria for the children would be the same for this facility as it was for the facility located in the State of Nevada.

Mr. Cantrell confirmed that he brought the relevant materials to a recent meeting with that community. He said that Rite of Passage had given \$1.2 million in college scholarships and that any child who experiences the program successfully could be afforded college scholarship dollars. He noted that each child who applied for the funding received some amount of funding and that this figure could continue to increase as they stayed in school.

Ms. McKeeby asked if the facility in the State of Nevada was the only current Rite of Passage facility.

Mr. Cantrell clarified that they had approximately 40 programs in 16 different states.

Mr. Jeffery Myers asked when the subject property had been acquired and why the operation was targeting Lake County.

Mr. Cantrell replied that they had not closed on the property yet because the outcome of the current case was still pending. He remarked that about three years prior, he was promoted to be the Executive Director for the southeastern part of the country and part of that position was to find opportunities to operate the organization's programs and help children. He stated that the company was privately owned by a single owner and that money which would normally be reserved for shareholders was instead given back to the programs. He commented that once the program was operational, it would appear to be a boarding school with children wearing uniforms and staff being engaged, and with small engine repair and culinary arts training occurring. He said that the program would be similar to a schoolhouse and would have an environment which would be conducive to learning.

Ms. Jones Smith asked to clarify the program's age range, and Mr. Cantrell responded that it would generally service ages 13 through 17. Ms. Jones Smith then asked if there would be any students over 18 years of age, and Mr. Cantrell confirmed that there would not be and that 18 year old individuals would no longer be eligible for the program.

Mr. Gonzalez noted that the organization's brochure mentioned social service agencies, welfare agencies and juvenile courts, and he asked how a child comes to participate in the program.

Mr. Cantrell replied that they had programs ranging from where children lived at home and visited for services, to locked and secure facilities in other states. He commented that in the

State of Florida, children could be referred to the program after being adjudicated by the court system for a low level crime, at which point the child is committed to the DJJ. He elaborated that the DJJ would then conduct a thorough assessment of the child to determine their risk and needs levels, their protective factors, and both the positive and risk factors in their lives. He noted that his organization would try to build upon those protective factors and to improve the risk factors. He said that a child would be assessed again after leaving the program to determine how well they had progressed and improved, and stated that children were generally in the program between six and nine months, though this could be extended to ten or eleven months if a child was experiencing issues. He said that the operation was dissimilar from a prison and that there were no guards, though there would be trained coach counselors to be role models for the children and to assist them.

Ms. Jones Smith asked if family counseling would be provided.

Mr. Cantrell replied that the organization performed family counselling with all of the children whose families would participate, and that counselling could be individual, with groups or with families. He commented that families would need to be prepared to receive the children back and be helped to set rules and guidelines. He remarked that the facility would have five master level therapists, along with a licensed clinical director for a caseload of about one staff member per eight children.

Ms. Jones Smith inquired if the goal was to work with children for a limited period of time and then have them return to their home environment or be placed into a better environment for them to reenter a mainstream education system.

Mr. Cantrell confirmed that this was the goal and said that when a child leaves Rite of Passage, they should be enrolled in school or college or be employed at a business, noting that the organization would provide training for small engine repair, culinary arts, welding and animal husbandry. He added that several children had moved from their programs to enlist with the United States military, and he reiterated that children should either be enrolled, employed or enlisted when leaving the program. He said that during the last 60 days of the program, a transition specialist would work with a child and their family to connect them to services and help them enroll in school or find employment in order to help avoid future contact with the justice system.

Ms. McKeeby noted citizen concerns about the children roaming the property unattended and she asked how this would be managed.

Mr. Cantrell reiterated that there would be a staffing ratio of one staff member per six children and said that staff would be trained to interact with the children. He commented that there would be a strategic plan with checkpoints at each location on the site in the event that a child would attempt to leave the facility.

Mr. Gonzalez asked how the facility chose Lake County as its location.

Mr. Cantrell replied that he was seeking properties which would be amenable to children and that Lake County was not targeted specifically; however, he became informed about the subject property about a year and a half earlier. He said that he investigated the campus with a realtor at this time and that he felt that children needed to be there due to the property's amenities and prosocial activities.

Mr. Gonzalez inquired if there was a contract with the State of Florida for this operation and if this was the only Rite of Passage facility in the state.

Mr. Cantrell confirmed that there was a contract with the State and he commented that there was a girls' facility in the Town of Greenville and a boys' facility in the City of DeFuniak Springs.

MOTION by Kasey Kesselring, SECONDED by Rick Gonzalez to APPROVE Tab 1, Rite of Passage Rezoning.

FOR: Jones Smith, McKeeby, Gonzalez, Myers and Kesselring

AGAINST: King

MOTION CARRIED: 5-1

Tab 3 – HILOCHEE PARTNERS – MONTEVISTA ROAD PUD REZONING

Ms. Christine Rock, Planner, Office of Planning and Zoning, presented Tab 3, Rezoning Case RZ-18-15-1, Hilochee Partners – Montevista Road Rezoning. She explained that this property was located south of Island Ranch Road at the intersection of Reynolds Road and Montevista Road in the City of Groveland. She elaborated that the property was approximately 284 acres and the request was to rezone the property from Agriculture to PUD in order to facilitate the development of a 29 lot residential subdivision. She noted that the property was a mixture of the Green Swamp Rural Conservation FLUC and the Green Swamp Rural FLUC, though it was all zoned Agriculture. She stated that there were approximately 100 acres of uplands which were designated as Green Swamp Rural with a density of one dwelling unit per five net acres for a total of twenty residential lots. She said that the Green Swamp Rural policy also allowed a wetland density transfer and that for every 20 acres of wetlands, one residential lot could be transferred to the uplands of the site. She relayed that staff's interpretation was that the property was being developed as a single site and that the wetland credits could be used for the upland portion, which was located within the Green Swamp Rural FLUC. She remarked that staff determined that the request was consistent with the Comp Plan and the LDRs. She displayed a concept plan and noted the data for the upland and wetland uses, and she requested approval of the case.

Mr. King noted that ten alternate keys were listed for the application and that nine were in the name of Hilochee Partners, LLC, while the other was listed under McCoy Investments, Inc.

He asked if McCoy Investments should have been included in the application.

Ms. Rock responded that all owners which were listed on the deeds would have had to sign owner's affidavits.

Mr. Rick Hartenstein, the applicant, stated that the name of the PUD project was Hilochee Partners, though McCoy Investments was part of the application.

Mr. Gonzalez asked if any density credits were given for wetlands.

Ms. Rock confirmed that both the Green Swamp Rural and the Green Swamp Rural Conservation policies allowed that for every twenty acres of wetlands, one residential lot could be transferred to the uplands portion of the site.

Ms. Jones Smith inquired about how many additional lots were granted in the current case, and Ms. Rock replied that nine lots were granted.

The Chairman opened the floor for public comment.

Ms. Mary Mack, a concerned resident of Lake County, said that the development was originally supposed to consist of eight homes, though it was now going to include twenty-nine homes. She expressed that garbage trucks and multiple cars per house would now be passing her residence and that this would create a disturbance. She said that she moved to the location for its low density and protected land.

Ms. Jones Smith asked where her house was located in relation to the proposed development.

Ms. Mack responded that her house was southwest of the project on County Road (C.R.) 565.

Mr. Michael Randall, a resident on Montevista Road, opined that Lake County considered agricultural land to be less valuable than commercial and residential land and was seeking to protect it, and he also opined that the density interpretations related to the rezoning request were inappropriate and inconsistent with the policies. He stated that the property was currently zoned Agriculture, which was defined by the LDRs as a major industry in the county and that it was the intent of the zoning district to provide long term means for preventing encroachment on agricultural enterprises; additionally, the zoning was also intended to provide encouragement for agricultural pursuits by preserving soils in agriculture areas from subdivision development or commercial and industrial construction. He felt that the purpose of this policy was to prevent developers from purchasing low priced agricultural land and rezoning it to support housing, and that specific zonings already existed to support housing. He said that the Comp Plan further supported the notion that agricultural interests were a priority for the Green Swamp area of critical state concern, and the County would encourage the continuation of agriculture. He opined that under the Comp Plan's Agricultural Primacy policy and with all other circumstances being equal, the County should vote in favor of agricultural uses. He thought that rezoning agricultural land within the Green Swamp was

not reflecting the correct priority and was instead emphasizing planned development in favor of an area of critical state concern. He stated that the Comp Plan also indicated that the County should implement strategies for agricultural land retention and consider the findings of the Agricultural Lands Retention Study to facilitate the implementation of the identified strategies. He opined that this study was never completed and that it was struck from the 2030 Comp Plan and replaced with other language. He relayed that he examined Miami-Dade County's joint study with the University of Florida (UF) and the most significant finding stated that in the analysis of agricultural land retention, agricultural zoning was the most utilized technique for preserving agricultural and rural lands. He felt that the changed condition in the application which would prompt a change in the County's priority was that the applicant would like to develop a residential subdivision consistent with the maximum allowable density within the Green Swamp Rural FLUC; however, over 130 acres were under the Green Swamp Rural Conservation FLUC. He said that in April 2018, parcels to the southwest of the subject parcels were rezoned, though that land was already zoned Rural Residential (R-1) and Medium Residential (R-3). He opined that the staff report should not have compared these examples, and he remarked that multiple FLUCs add complexity to PUDs. He stated that Bella Collina and other subdivisions addressed this by creating new FLUCs specifically related to those PUDs, while the current application was proposing to combine both FLUCs into the less restrictive of the two. He recommended denial of the application to be consistent with agricultural primacy, and he stated that the developers were aware of the Agriculture zoning when they purchased the land and that current provisions would allow for six lots on the land due to personal need. He said that the PUD zoning intended to provide reasonable assurance of approval and that the Board's decision on the current case could forecast the future for other applications. He remarked that the Comp Plan Policy I-7.8.1, Requirements for Planned Unit Developments, stated that the density and intensity of a development should not exceed the density and intensity of the underlying FLUCs and may be further restricted. He also said that the Lake County Code indicated that if the zoning district and FLUC regulations, such as density, intensity, open space, etc., were in conflict, the most stringent FLUC shall apply. He commented that currently, the Green Swamp Rural FLUC allowed one dwelling unit per five acres at sixty percent open space with a wetland credit of one dwelling unit per twenty acres within the parcel, and the Green Swamp Rural Conservation FLUC allowed for one unit per ten acres with eighty percent open space and a wetland credit of one unit per twenty acres. He opined that the current County interpretation of the application would propose combining parcels of different FLUC types under the least conservative category, and would take wetland credits from wasteland parcels, which had no buildable acres as defined on the Property Appraiser's website, and transfer that density to other land within the PUD. He felt that this was in conflict with Comp Plan Policy I-7.8.1 and he displayed a chart from the Property Appraiser's website with data on the subject property, pointing out that under the Green Swamp Rural FLUC, the subject property would be allowed nineteen dwelling units on the uplands and one unit on the wetlands. He added that under the Green Swamp Rural Conservation FLUC, there would be zero allowable units on the dry land and a maximum of seven units on the wetlands for a total of 27 dwelling units. He remarked that a moderate interpretation of the request would suggest that there would be twenty homes on the dry area and one home on the wet area for a total of twenty-one total sites, and it would be governed by Comp Plan Policies I-4.2.3 and I-4.2.4 for Green Swamp

Rural and Green Swamp Rural Conservation. He relayed that a more conservative interpretation would suggest that combining parcels of different types would follow the most stringent FLUC and that Comp Plan I-1.1.7 stated that if there is a conflict between policies within the Comp Plan, the more stringent policy shall apply. He stated that applying the Green Swamp Rural Conservation policy to the entire parcel would allow for a maximum of 17 dwelling units with 80 percent open space. He thought that approving this rezoning case would give reasonable assurance that it would move forward and that approving it as proposed would conflict with the Comp Plan and the LDRs and would encourage other developers to purchase agricultural land within the Green Swamp and rezone it. He advocated for coordination between interested parties including homeowners, state agencies and the St. Johns River Water Management District (SJRWMD) before making a decision on the case. He asked the Board to recommend denial of the case to allow time to rework the application so that it would be amicable to residents, the Comp Plan and the rural character of the area.

Ms. Jones Smith asked if he was suggesting that the maximum number of approved units should be 27.

Mr. Randall clarified that the maximum number of units could take a moderate or conservative approach. He added that the most conservative approach would allow 11 units on 20 acres due to the wetland density credits not being transferred. He opined that agricultural land should not be rezoned to PUD and that if it was, the staff's interpretation should be reexamined through collaboration.

Mr. Gonzalez asked if he had sent a PDF file to members of the Board, and Mr. Randall confirmed that this was correct. Mr. Gonzalez relayed that the Board could not have any interaction with citizens about agenda items.

Mr. Randall opined that the Lake County Code indicated that if an individual wanted an item to be entered as part of the agenda package, it must be sent to a Board member.

Mr. Jim Passino, a resident on Montevista Road, expressed concerns with the density of the project and opined that 16 existing houses there would experience runoff from the new density's location due to a lack of sewer services there. He also said that the runoff would impact a nearby pond, and he stated that a new road would be constructed within 40 feet of Ms. Mack's house. He commented that the residents there had no issues when the land was zoned to allow one dwelling unit per five acres and that they would like to see this density maintained.

There being no one else to address the Board about this case, the Chairman closed the floor for public comment.

Mr. Rick Hartenstein, the applicant and Planning Project Manager for Wicks Engineering Services, said that his organization was the consultant and engineering firm which was managing the project. He commented that there was a total of 284 acres on the site, of which 102 acres were uplands and 182 acres were wetlands. He remarked that the 102 acres was

within the Green Swamp Rural FLUC with a density of one unit per five acres for a total of 20 units. He elaborated that most of the 182 acres was in the Green Swamp Rural Conservation FLUC with a density of one unit per twenty acres which was transferrable into the upland areas for a density credit of nine units in accordance with the Comp Plan. He said that part of the permitted uses as contained in the ordinance was agricultural uses, and he mentioned that the open space could be utilized for activities such as grazing cattle. He noted that the developer was attempting to add agricultural uses along with the residential and they were required to construct a residential conservation subdivision with clustering, a minimum of one acre parcels, and conditions to comply with requirements for the FLUC, the state, and those for septic tanks and wells. He said that the request was consistent with the Comp Plan and had already undergone a first review with the Florida Department of Economic Opportunity (DEO), whose comments had been addressed and were supportive of the application.

Mr. Gamble asked if the Board was provided with a copy of DEO's first review of the application, and Mr. Hartenstein replied that they were not.

Ms. Jones Smith asked to confirm if each lot would be at least one acre and if there would be any community recreation facilities or designated community open space.

Mr. Hartenstein confirmed that each lot would be at least one acre, and that they had also met their 60 percent open space requirement to be set aside for passive recreation such as trails.

Dr. Kesselring asked for staff to comment on Mr. Randall's proposal and if there were any items in the proposal which were inconsistent with staff's recommendations.

Mr. Myers asked that after hearing Mr. Randall's proposal, was there anything which staff would question or want more time to reevaluate.

Mr. Greene relayed that staff had put forward their recommendation and had no comment on Mr. Randall's presentation.

Mr. Gamble asked that future DEO reviews of rezoning applications be included in the Board's packets.

Mr. Greene indicated that the DEO review for Tab 3 was received after the initial distribution of the packet.

MOTION by Rick Gonzalez, SECONDED by Larry King to APPROVE Tab 3, Hilochee Partners – Montevista Road Rezoning.

FOR: Jones Smith, King, Gonzalez and Gamble

AGAINST: McKeeby, Myers and Kesselring

MOTION CARRIED: 4-3

Tab 4 – LIVING MESSAGE CHURCH CFD REZONING

Ms. Rock presented Tab 4, Rezoning Case RZ-18-14-1, Living Message Church CFD Rezoning. She said that the parcel was approximately four acres in size, was located adjacent to Douglas Road, and was north of McKinnon Street in the City of Mascotte. She explained that the applicant had requested to rezone this property from Light Industrial to CFD in order to develop a comprehensive transitional residential facility which would provide semi-permanent housing for residents and offer life management skills training services. She displayed a map of the parcel and then noted that the applicant proposed a comprehensive transitional residential facility, though the County did not have this type of facility within its code. She stated that the most similar facility in the code was a comprehensive transitional educational facility which was defined as jointly operating centers which provide educational care, training and rehabilitation services. She clarified that the staff report indicated a total of 32 beds in the facility when the correct number should have been 56 beds. She showed a floor plan for the facility and commented that four buildings were proposed with each building containing eight units, and six of the eight units would contain two beds, with the other two units containing one bed. She said that the proposed rezoning was consistent with the LDRs because the similar comprehensive transitional educational facility was a permitted use and the Urban Low FLUC allowed for personal care services, which staff felt was most appropriate to identify the proposed use. She concluded that staff recommended approval of the case as it was consistent with the LDRs and the Comp Plan.

The Chairman opened the floor for public comment.

Mr. Brent Spain, an attorney representing adjoining property owners, requested that the Board defer the case or recommend denial. He said that the Board had a set of review criteria in the LDRs and that two of the factors which must be considered were whether there had been changed conditions that justify the rezoning and the extent to which the rezoning may affect nearby property values. He opined that there had been no changed conditions to justify the rezoning and that a proper changed condition would be if there was a change in the development pattern of the area. He said that the staff report indicated that no information was submitted by the applicant concerning the potential effect on property values in the area, and he reiterated that this was review criteria which the Board was required to consider. He noted that the surrounding property was predominately zoned Rural Residential (R-6), which was a single family residential district and an established neighborhood. He opined that the applicant was trying to place the facility amidst a residential neighborhood and that it would not be compatible. He said that the staff report also indicated that the facility would consist of four buildings with eight residential units for a total of thirty-two units, and the FLUC of Urban Low had a maximum density of four dwelling units per net acre. He indicated that the site was approximately four units per gross acre and that the maximum density would be 16 dwelling units, whereas the proposal was for 32 dwelling units with 56 beds. He stated that the Board could not approve a request which was inconsistent with the Comp Plan and he

asked again for the Board to defer the case or recommend denial.

Mr. Gonzalez asked if Mr. Spain had evidence indicating that the development would negatively affect property values. He also inquired if he thought that industrial uses would be incompatible with the adjacent neighborhood.

Mr. Spain opined that the initial burden of proof would be on the applicant to show that they comply with the LDRs, and opined that the site should be rezoned to R-6.

Ms. Jones Smith asked if he would agree that the proposed rezoning would be less impactful than an industrial use.

Mr. Spain replied that he would not agree because it was an intense use with 56 beds and 32 dwelling units, and opined that only a maximum of 16 units would be allowed under the Comp Plan. He also stated that an industrial use would not be more impactful because the proposed use would be a 24 hours per day use year round.

Ms. Audrey Williams, a neighbor of the development, said that she lived in the Stuckey area for a significant amount of time and that there were a considerable amount of seniors, retirees, children and single family households there. She relayed that the residents there were concerned about the proposal and that there was not adequate notice to formulate questions about the application. She opined that residents were wary of homeless individuals and that they were concerned that the development would bring this population to the area. She commented that there was a need to address homeless problems, though she had a number of questions for the applicant to clarify the proposal and there was no attempt from the applicant to meet with the community. She asked that the case be deferred to allow residents time to speak with the applicant.

Ms. Jones Smith asked if she found out about the application on October 24, 2018.

Ms. Williams replied that she heard about it on October 20, 2018. She said that she received a small postcard by mail which did not provide an adequate explanation of the request, and some residents there did not receive the card. She expressed that it would be a disservice to the community to place a facility there without providing them with an understanding of the request.

Ms. Harriet Richardson, a resident of the Stuckey area, said that she received no notice about the application until another resident informed her. She thought that law enforcement considered Stuckey to be an area with illegal drug issues and that the area was also lacking street lighting. She felt that the applicant should have contacted the community and that there was not currently a homeless issue in the area. She said that there were young children living near the proposed facility and opined that it should not be located there.

Pastor Clarence Southall, a resident of Stuckey, said that there had been challenges with receiving timely law enforcement services in the area. He indicated a concern about

protection for the community if the facility was approved there. He stated that there were similar facilities in the City of Orlando and opined that there were some issues with crime there. He said that residents wanted to protect their neighborhood and that there were many elderly individuals and single mothers in the community.

Mr. Charles Fields, a citizen speaking on behalf of Mr. Vincent Maxwell, a Stuckey resident, said that there was a need to help the homeless population, though thought that the Stuckey area was not the correct location for this. He asked who would determine the health and safety conditions at the proposed shelter, if there were standards for this, and who would set those standards. He noted that the number of beds had been increased from 32 to 56 and opined that there could be issues between the residents there. He felt that residents would experience mental issues, health issues and contagious diseases. He also opined that there could be undocumented sexual predators and violent offenders housed there, and he suggested that the facility would be dependent on grant funding which would necessitate a high turnover of patients to receive funding. He also indicated concerns with potential overcrowding and asked why there could not be a partnership between the applicant and other facilities to house homeless individuals there instead.

Ms. Garlondia Graham, a neighbor of the proposed facility, said that the facility would be within walking distance from middle and high school bus stops. She relayed that the previous building there had been closed for a significant period of time due to problems and police activity, and the residents had been attempting to enhance the community there. She expressed a concern that the proposed facility would reduce nearby property values and she opined that the residents did not want it there.

Ms. Cameron McCutcheon, a neighbor of the proposed facility, said that the area was quiet and did not have any issues. She stated that the residents did not know who would be entering the area and indicated a concern that 56 people with potential drug or mental issues would be moving through the facility. She reiterated concerns with the facility's population, its effect on property values, and a lack of assurance for its effects.

There being no one else to address the Board about this case, the Chairman closed the floor for public comment.

Mr. Brian Broadway, the applicant and Chief Executive Director of Living Message Church, said that the residents' concerns were appreciated. He clarified that the facility would not be a homeless shelter and services would only be provided to a limited amount of individuals. He further clarified that the facility would only serve children in Lake County, and each grant dollar received would have to support a child in the Lake County school system. He stated that his organization becomes informed of homeless schoolchildren by the Lake County school system at which point the child and their families come to the organization and experience a background and drug test. He noted that families with a drug history are not able to access the program because relapse counseling was not a provided service. He relayed that families who pass the background and drug test enter the program and stay in one of the organization's units; additionally, there were already nine functioning units in the City of

Clermont which had existed for four years without any complaints. He said that he wanted to provide a police presence to the City of Mascotte and that the subject property would have two units which would provide free rent and utilities to two police officers with one chosen by Lake County and the other chosen by the Clermont Police Department. He opined that the property would have the most attractive layout when considering cleanliness and architectural design when compared to other buildings in the City of Mascotte. He elaborated that there would be tree lines on nearby streets, paved parking lots, customized siding, and interior artwork donated by Westgate Resorts. He said that the changed condition was that in 2015, the United States Department of Housing and Urban Development (HUD) mentioned that there was a change in the United States, including Lake County, in that the fastest growing homeless population was homeless families with children. He stated that there were more homeless children in Lake County than adults, and he relayed that his organization had helped other homeless individuals by providing free housing, access to employment, counseling and parenting skills. He added that the organization had transitioned nearly 60 homeless families into apartments, that the program had received donations from large corporations, and that it had received significant media coverage. He clarified that drugs would not be present at the facility, reiterated that a significant background check was required to gain access, and expressed that they would be changing the lives of children in Lake County.

Mr. Gonzalez inquired why the subject property was selected and if the property had already been purchased.

Mr. Broadway replied that they were looking for four acres and that this was the first property they found which was 4.5 flat acres with no trees. He stated that because they operated with grant money and donations, they had to consider locations which had the least amount of required tree clearing. He opined that the subject property was the best property for its size and price. He noted that the property had not yet been purchased, though the full funding amount was already in place and it would be purchased after the rezoning application was approved.

Ms. McKeeby asked if there would be any lights on the property.

Mr. Broadway said that the property would be well lit and that there would be lights for the parking lot and around the building and its walkways. He opined that the property's aesthetics would not suggest that it was a type of shelter and that the landscaping was designed so that it would be the most attractive property in the area. He said that it could provide value to the city and drive property values up.

Mr. Gonzalez asked to clarify if he had the funding for construction.

Mr. Broadway responded that they had portions of funding and that in the following year, the grounds would be constructed first to include palm trees and driveways, and the units would then be constructed in groups of eight.

Ms. McKeeby departed at 10:56 a.m.

Mr. Gonzalez asked where his funding originated from.

Mr. Broadway replied that their funding was from grants, along with donations from United Way, Publix charities, Walmart and others. He stated that these organizations required multiple years of proof of a successful operation before granting funding.

Mr. Gamble asked to confirm if the Lake County School Board provided the names of children in need of service.

Mr. Broadway said that his organization worked with the Families in Transition (FIT) program and school guidance counselors for this, but they did not provide any funding.

Ms. Jones Smith asked who managed the FIT program, and Mr. Broadway replied that it was through the Lake County school system. Ms. Jones Smith then asked to confirm if he received funding from them, and Mr. Broadway responded that they only made referrals and that referrals were also received from police departments.

Ms. Jones Smith asked if this would create a conflict of interest for a School Board member.

Mr. Moats stated that he was unsure if it created an economic benefit for either side, though there would still be a quorum if Mr. Gamble abstained from the vote. He recommended that Mr. Gamble should abstain from the vote.

Mr. Myers asked if it would have been beneficial to have held a community meeting with neighbors of the property.

Mr. Broadway said that his organization had distributed meeting times through Facebook and that he was unaware of the amount of concerned residents. He stated that he would be open to holding a community meeting, that most of their referrals came from local churches, and that his only goal was to serve the community. He commented that started his organization four years prior and had since invested his own funding into the program to help house families. He noted that he had a waiting list and received nearly 30 requests for housing per week.

Ms. Jones Smith asked if he would have any opposition to the Board adding criteria within the ordinance to specify that the facility would be used for family housing only.

Mr. Broadway indicated that this would be acceptable and he reiterated that his organization was only housing families with children in the Lake County school system.

Dr. Kesselring inquired if he would have any objection to deferring the case to allow more time to communicate with the community.

Mr. Broadway stated that the property's owner had already delayed the closing and received

about \$6,000 of his organization's funding. He elaborated that if they did not close on November 30, 2018, then the owner would keep those funds and the organization would lose the property.

Mr. Gonzalez suggested that the public should be allowed to ask the applicant questions at the current time, and Mr. Broadway was agreeable to this.

The Chairman opened the floor for public questions directed at the applicant.

Ms. Williams asked about the organization's Clerbrook Golf & Recreational Vehicle (RV) Resort in the City of Clermont. She also asked to clarify if he had considered other properties or if the subject property was the first to be examined, and if the property was chosen solely due to cost factors.

Mr. Broadway responded that the organization used multiple RV resorts where temporary and mobile housing models were placed. He said that they had considered many properties, including their actual costs and the costs to clear them. He stated that since the fastest growing homeless population was children, any area in Lake County would be acceptable. He specified that they considered locations which were close to U.S. Highway 50 so that buses would be available and there would be access to highways.

Ms. Williams opined that there were issues with transportation in the Stuckey area and asked if there would be a better opportunity in the Cities of Groveland or Mascotte. She also asked if the organization had considered apartments instead of houses.

Mr. Broadway replied that houses limited the amount of people which could be housed on a property. He also stated that modular apartments were a more acceptable form of housing for the County.

Ms. Williams inquired how the project would benefit the Stuckey community and if he could offer employment to residents in the Stuckey community.

Mr. Broadway commented that 22 percent of children in Lake County schools were homeless and that this population was generally unseen. He remarked that it would give the City of Mascotte a safe place for these individuals and that churches could refer families there. He also said that local churches could be given keys to the apartments at no charge which could be used at their discretion to house families. He noted that his program was six to twelve months in length and did not require a high turnover rate. He indicated a desire to help the community and communicated that he was unpaid for these services. He also said that all of the staff could be hired from within the Stuckey community.

Ms. Richardson asked about his proposal to house police officers on the property.

Mr. Broadway stated that his goal with his properties was to increase the safety of nearby communities. He reiterated that he would offer apartment keys to the Clermont Police Chief

and the Lake County Sheriff's Office.

Ms. Jones Smith inquired if he would consider housing an officer from a local agency.

Mr. Broadway answered that he sent an email to each police department with the offer, and the Clermont Police Department was chosen first because he had originally searched for a property in that area. He indicated a willingness to offer the two apartments to officers from the Lake County Sheriff's Office and the Mascotte Police Department.

Ms. Richardson asked how many cities had denied his facilities in the past.

Mr. Broadway replied that he had never been turned down by a city and that he currently had nine units in Clerbrook Golf & RV Resort in the City of Clermont. He reiterated that his only concern was helping homeless children and that his target community was Lake County.

Mr. Spain asked to clarify if the apartments would be modular or permanent, how many units would be in each apartment, and how many buildings would be constructed. He also asked if he prepared the zoning application himself and if he knew how the process was described within it.

Mr. Broadway confirmed that they would be modular and there would be eight units in each apartment. He commented that there would be four buildings for a total of 32 units. He said that Wicks Engineering Services prepared the application and that he did not see the final description.

Mr. Spain inquired about the facility being described as a homeless rehabilitation facility, and Mr. Broadway indicated that this was not accurate.

Mr. Spain asked if he knew where the term "comprehensive transitional residential facility" originated from, and Mr. Broadway thought that it would have come from the County due to the need to classify Living Message Church's unique program. Mr. Spain then asked if a rezoning approval was required for the project in the City of Clermont and if he knew how many units were allowed on the subject property under the Comp Plan and stated that four dwelling units per acre was the maximum.

Mr. Broadway replied that no rezoning approval was required because they were using existing trailer parks in the City of Clermont, and the organization had previously negotiated directly with trailer parks. He also stated that, concerning the maximum number of allowable units, he had allowed Wicks Engineering Services to review this item.

Pastor Southall opined that Mr. Broadway could have come to a local church to meet with residents.

Mr. Broadway stated that he should have done this and that he thought the notice cards which were distributed to residents would have indicated that the request was for a housing program

to assist homeless families in the city. He said that each church in the community could be offered a key to an apartment to help the families there, and he wanted to create a board of local residents to help make decisions about the property. He stated that this had been done in the Cities of Clermont and Leesburg and that he also wanted to do this in the City of Mascotte.

Ms. Jones Smith clarified that the notifications were sent by the County, were standard for an application, and contained limited information so that citizens could then contact County staff if there were further questions.

Pastor Southall asked to clarify if Mr. Broadway had already paid \$6,000 to secure the property.

Mr. Broadway confirmed this and added and it had to be placed into an escrow account to purchase the property.

Mr. Ray Caito, a neighbor of the development, asked if the facility would be safe and if so, why would a police presence be necessary there.

Mr. Broadway said that the facility would be safe and that he observed requests for a police presence and street lights in the area. He commented that lighting the whole property and providing two apartments to police officers would create a law enforcement presence to assist the community. He noted that the community board from the City of Mascotte could help decide if the police were necessary or if those apartment units should be used for another purpose.

Mr. Caito inquired why lighting the subject property would be beneficial for his own property and how the light would be prevented from reaching it.

Ms. Jones Smith stated that the County had site design standards which would have to be followed and that he would have to control light spillage and respect the surrounding environment.

Mr. Broadway clarified that it would strictly be safety light pointing downward around the outside of the building and it would not affect the neighbors' sightlines or view.

Mr. Caito asked if he was aware that there were many single family homes in the Stuckey community which were true constructed homes, and also asked why he thought that module apartments would not decrease nearby property values

Mr. Broadway responded that the modular trailers would have siding and look like professional regular home setups. He reiterated that Westgate Resorts would be donating materials to enhance the units' aesthetics.

There being no one else to address the applicant about this case, the Chairman closed the floor

for public questions.

Ms. Jones Smith reminded the Board that the applicant was agreeable with the condition to specify that the project would be used for family housing only and would be limited to family with children in the Lake County school system.

Ms. Rock clarified that the LDRs specified that public notification cards must be sent 10 days prior to the public hearing and signs must also be posted on the property at this time. She stated that the definition of a single family dwelling unit included a full operating kitchen, bathroom, living area and sleeping quarters in a permanent structure. She remarked that as the project was for semi-permanent housing, it would not have a full kitchen and would not be subject to the residential density requirements.

Mr. Jones Smith asked if there would be any opposition from staff or the County Attorney to add the aforementioned condition under the land use specification, and Ms. Rock expressed that staff would not object to this.

Mr. Moats said that the condition could be added to the ordinance.

Mr. Gonzalez commented that there was a significant need for this type of housing. He stated that there was a lack of funding from the state to provide these services, that the request had been miscommunicated to the public, and that he supported the effort.

Dr. Kesselring expressed that he would not support the request and preferred to defer it. He said that he understood the value of the project, but opined that community oriented projects are more successful when they gain community support. He said that he was unsure if the community was supportive of the request at this time and that he wanted there to be more time to gain a community consensus.

Ms. Jones Smith indicated that the Board's role was to approve requests based on if they are consistent with the LDRs and the Comp Plan. She expressed a concern that the community was provided information which represented the request in a manner inconsistent with its intent, though an effort was made at the current meeting to engage the community and provide an understanding. She opined that the residents were properly notified to a more extreme situation and that there was a defined and specific focus for the housing.

MOTION by Rick Gonzalez, SECONDED by Jeffery Myers to APPROVE Tab 4, Living Message Church CFD Rezoning, with the condition to incorporate a statement under land uses that the site would be used for family housing only and would be limited to family with children in the Lake County school system.

FOR: Jones Smith, Gonzalez, Myers

AGAINST: King and Kesselring

MOTION CARRIED: 3-2

Tab 7 – GUPTA & TAYAL REZONING

Ms. Rock presented Tab 7, Rezoning Case RZ 18-07-4, Gupta & Tayal Rezoning. She explained that the property was located south of State Road (S.R.) 46 and north of Coronado Somerset Drive in the Town of Sorrento. She elaborated that the property was approximately 2.95 acres in size and that the applicant was proposing to rezone the property from CFD to PUD to facilitate the development of an assisted congregate living facility (ACLF)/nursing home with limited commercial uses. She noted that the property was zoned CFD in 2016 to allow an ACLF/nursing home use and that the applicant was seeking to amend this ordinance to allow limited commercial uses. She added that the FLUC of the subject property was Regional Office which allowed limited commercial uses which would not exceed 20 percent of the overall total floor area; furthermore, this request was consistent with the FLUC. She specified that the applicant had requested to add commercial uses including banking, medical care services, personal care services, professional office, retail, a fast food restaurant without a drive-thru, and general restaurant uses. She said that staff would ensure that the commercial uses in site plan would not exceed 20 percent of the floor area, and she pointed out that there was a proposed concept plan in the staff report, noting commercial uses in the front of the property and the ACLF/nursing home in the back of the property. She said that the request was consistent with the Comp Plan which allowed health services and light commercial uses in the 20 percent floor area, and relayed that staff felt that PUD was permitted in all FLUCs and would be most appropriate for the mixed uses. She relayed that staff recommended approval of the request.

The Chairman opened the floor for public comment.

Mr. Robert Henderson, a concerned citizen, said that his property was located south of the subject property. He questioned the viability of bringing a density of approximately 125 people into an area of less than three acres of land which had been zoned R-6 previously. He stated that he had moved to the area for its R-6 zoning and expressed a concern that the development would devalue his land.

Ms. Jones Smith asked to confirm if he was removed one property from the south of the subject property. She also asked if there was a road or right of way there.

Mr. Henderson clarified that there was an undeveloped property approximately 175 feet from his property line. He commented that he was located on the south side of a closed road there and that when the area was platted, multiple roads were constructed and subsequently closed.

There being no one else to address the Board about this case, the Chairman closed the floor for public comment.

MOTION by Rick Gonzalez, SECONDED by Kasey Kesselring to APPROVE Tab 7, Gupta & Tayal Rezoning.

FOR: Jones Smith, King, Gonzalez, Myers, Gamble and Kesselring

AGAINST: None

MOTION CARRIED: 6-0

Tab 9 – LANDSCAPE ORDINANCE

Mr. Tim McClendon, Director for the Office of Planning and Zoning, presented Tab 9, Rezoning Case 2018-XX, Landscape Ordinance. He explained that staff had been developing this proposed amendment for nearly 10 months following an annual Board of County Commissioners (BCC) strategy meeting from January 2018, though the issue originated when an entity was attempting to develop a lot and experienced an approximate \$500,000 tree removal application fee. He said that the BCC requested to eliminate unnecessary landscape regulations and to simplify the existing code. He specified that the current goal was to simply the existing LDRs with regard to Sections 9.01.00 and 9.02.00 which were identified as Landscaping Standards and Tree Protection, respectively. He noted that staff was proposing two significant changes, with the first being to amend the definition of a tree. He elaborated that currently in the code, a tree was identified as being of a three inch diameter, whereas the proposed ordinance would amend this to eight inches in diameter to create consistency with surrounding counties and other municipalities. He added that the other significant change would be to exempt single family homes from needing a tree removal permit to remove a tree; however, there would still be a required amount of trees on the lot, per the code. He clarified that vacant lots would still require a tree removal permit for the construction of a structure and said that the ordinance would still provide some standards for tree removal and landscaping standards. He stated that planted pine tree farms would no longer require a tree removal permit and would be considered exempt under the Florida Right to Farm Act, with this change being suggested to the County by a certified arborist with the Environmental Solutions Group. He remarked that discussions with fire safety personnel suggested making changes to the building landscape policy due to trees and shrubs located within a buffer adjacent to a building potentially creating issues. He commented that the proposed change to the building landscape would be to enlarge the landscape buffer between buildings and to minimize the canopy trees within that area. He also said that the amendment would no longer allow trees to be planted within the county right of way due to maintenance issues, and would prohibit canopy trees from being installed near power lines or utility easements due to the possibility for trees to fall on them.

Ms. Jones Smith asked if the amended provision which would exempt pine and palm trees from requiring a tree removal permit, except for natural longleaf pines, would conflict with the standard that palm trees could be used to meet the canopy tree requirement.

Mr. McClendon reiterated that the first standard was recommended by a certified arborist, though staff could potentially remove it or reevaluate the wording.

Ms. Jones Smith then noted that tree removal permits would not be required for occupied residential dwellings and opined that this could be an issue when considering vacant structures, model homes, property which became probate or were foreclosed on, etc. She suggested that instead of occupied residential dwellings, the provision should apply for all residential dwellings. She also said that for the provision for canopy trees being prohibited from installation under or near utility easements, staff may want to include the word "on" so that it would be on, near or under utility easements.

Mr. McClendon indicated that he would make these changes.

Mr. Gamble expressed a concern that insurance companies may cancel an individual's insurance if a certain amount of trees are not removed, and that this would remove the situation from compliance with the city or county. He inquired about the outcome of this scenario.

Mr. McClendon replied that it would depend on how many trees were remaining on the lot and the lot size. He added that the owner would either have to mitigate the tree removal or replant trees on another location, though a permit to remove the trees would not be required.

MOTION by Rick Gonzalez, SECONDED by Sandy Gamble to APPROVE Tab 9, Landscape Ordinance.

FOR: Jones Smith, King, Gonzalez, Myers, Gamble and Kesselring

AGAINST: None

MOTION CARRIED: 6-0

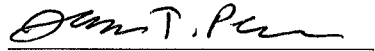
OTHER BUSINESS

Mr. Greene said that staff had distributed the tentative public hearing dates for 2019. He relayed that November 27, 2019 would be the December meeting for that year and he asked the Board to consider the dates. He added that the dates were reflective of the BCC's 2019 meeting dates and that at least two of the proposed dates were on a Tuesday. He concluded that the next meeting would be on November 28, 2018 and that the 2019 meeting dates could be revised there.

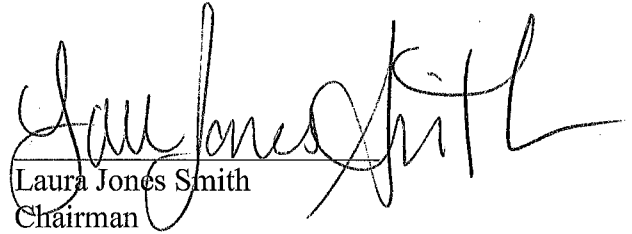
ADJOURNMENT

There being no further business, the meeting was adjourned at 11:44 a.m.

Respectfully submitted,



Josh Pearson
Deputy Clerk, Board Support


Laura Jones Smith
Chairman

Affidavit of Publication DAILY COMMERCIAL

Serving Lake and Sumter Counties

located in Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomly

Linda Rostomly

who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake and Sumter Counties, Florida; that the attached copy of advertisement, being a notice in the matter of

PUBLIC HEARING

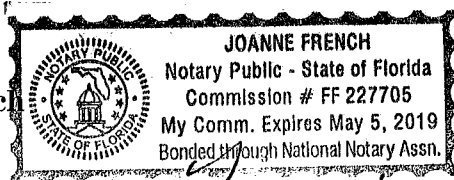
was published in said newspaper in the Lake and Sumter county issues of:

OCT 15, 2018

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake and Sumter Counties, Florida, and that the said newspaper has heretofore been continuously published in said Lake and Sumter Counties, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake and Sumter Counties, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this *15* day of *OCT*, A.D., 2018.

Joanne French
Notary Public



Joanne French
(Print, Type or Stamp Name of Notary Public)

AD#

10081398

NOTICE OF PUBLIC HEARING

The Lake County Planning & Zoning Board will hold a 9:00 a.m. public hearing on WEDNESDAY, October 31, 2018, in the County Commission Chambers, County Administration Building, 315 West Main Street, Tavares, FL, to consider the following petitions. Recommendations of the Lake County Planning & Zoning Board regarding these petitions will be transmitted to the Lake County Board of County Commissioners at a 9:00 a.m. public hearing, or soon thereafter, on Tuesday, November 20, 2018, in the County Commission Chambers, County Administration Building, 315 West Main Street, Tavares, FL.

All interested citizens are welcome to attend the public hearing and review the petitions in the Office of Planning & Zoning, County Administration Building, Room 510, 315 West Main Street, Tavares, FL. Persons with disabilities needing assistance to participate in any of these proceedings should contact 352-343-9760, 48 hours in advance of the scheduled meeting.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by Board, they will need a record of the proceedings and they may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based. One or more County Commissioners and one or more members of different committees/boards may attend and may participate in discussions on any of the committee/board meetings noticed. All oral and written communications between Planning & Zoning Board members and the public concerning a case are prohibited by Florida Law unless made at the public hearing on the case.

AN ORDINANCE BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING NO.: RZ-18-13-5, Rite of Passage
REQUESTED ACTION: Amend Community Facilities District (CFD) Ordinance 2009-54 to allow for family and youth educational, vocational training, life skills development and recreational services.
GENERAL LOCATION: Paisley area, 46821 Jane Lane

AND
PUBLIC HEARING NO.: RZ-18-11-3, Great Scott's RV Park
REQUESTED ACTION: Rezone to Planned Unit Development (PUD) to facilitate the development of a recreational vehicle (RV) park with primitive campsites and cabins.
GENERAL LOCATION: South Lake County, intersection of CR 448A and Keen Ranch Road

AND
PUBLIC HEARING NO.: RZ-18-15-1, Hilochee Partners - Montevista Road Rezoning
REQUESTED ACTION: Rezone approximately 284.84 acres from Agriculture (A) to Planned Unit Development (PUD) to facilitate the development of a twenty-nine (29) lot subdivision.
GENERAL LOCATION: Groveland area, South of Island Ranch Road at the intersection of Reynolds Road and Montevista Road/CR 565A

AND
PUBLIC HEARING NO.: RZ-18-14-1, Living Message Church CFD Rezoning
REQUESTED ACTION: Rezone from Light Industrial (LM) to Community Facility District (CFD) to facilitate the development of a Comprehensive Transitional Residential Facility that will provide semi-permanent housing and life management skills training services.
GENERAL LOCATION: Mascotte area, adjacent to Douglas Road and north to McKinnon Street

AND

PUBLIC HEARING NO.: RZ-18-02-2, Hartwood Marsh PUD
REQUESTED ACTION: Rezone approximately 115.89 acres from Urban Residential (R-6) to Planned Unit Development (PUD) to facilitate the development of a residential subdivision.
GENERAL LOCATION: Clermont area, Southwest corner of Hancock Road and Hartwood Marsh Road

AND

PUBLIC HEARING NO.: RZ-17-30-1, Walker Property PUD
REQUESTED ACTION: Rezone 40.02 acres from Agriculture (A) to Planned Unit Development (PUD) to facilitate the development of a residential subdivision.
GENERAL LOCATION: South Lake County, North of Sawgrass Bay Boulevard

AND

PUBLIC HEARING NO.: CUP-18-04-4, The Brooks Company CUP
REQUESTED ACTION: Approval for a conditional use permit (CUP) for Agriculture (A) zoned property to allow parking of two (2) heavy equipment transportation vehicles to include semi-trucks, backhoes or tractors.
GENERAL LOCATION: Mt. Dora area, 1940 Niles Road

AND

PUBLIC HEARING NO.: RZ-18-07-4, Gupta & Tayal Property
REQUESTED ACTION: Amend Ordinance #2016-46 with a new ordinance to rezone the subject property from Community Facility District (CFD) to Planned Unit Development (PUD) in order to facilitate development of an Assisted Congregate Living Facility (ACLF)/Nursing Home with limited commercial uses.
GENERAL LOCATION: Sorrento area, South of SR 46 and north of Coronado Somerset Drive, adjacent to

Round Lake Road

OFFICE OF PLANNING & ZONING
315 WEST MAIN STREET
TAVARES, FL 32778
(352) 343-9641

Ad No: 10081398
October 15, 2018

Affidavit of Publication DAILY COMMERCIAL

Serving Lake and Sumter Counties

located in Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Jessica Hernandez

Jessica Hernandez

who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake and Sumter Counties, Florida; that the attached copy of advertisement, being a notice in the matter of

ORD 2018-XX

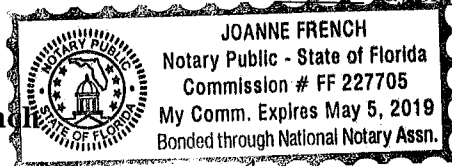
was published in said newspaper in the Lake and Sumter county issues of:

NOV 09, 2018

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake and Sumter Counties, Florida, and that the said newspaper has heretofore been continuously published in said Lake and Sumter Counties, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake and Sumter Counties, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 12 day of NOV
A.D., 2018.

Joanne French
Notary Public



Joanne French
(Print, Type or Stamp Name of Notary Public)

AD#

D046719

NOTICE OF PUBLIC HEARING ON COMPREHENSIVE PLAN MAP AMENDMENT

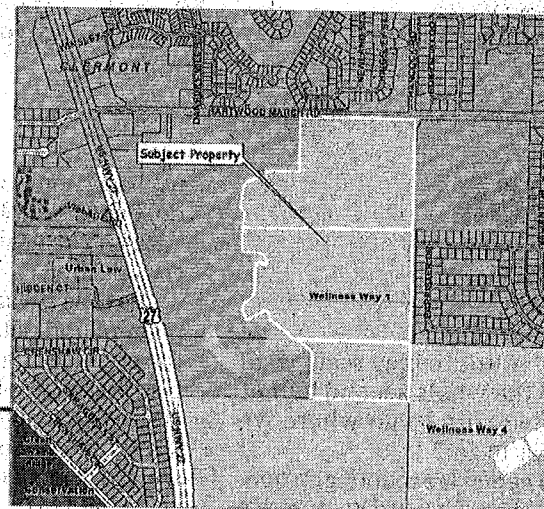
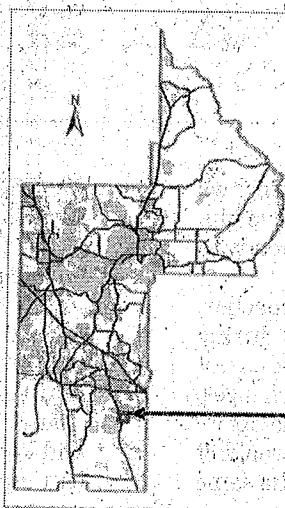
The Board of County Commissioners of Lake County, Florida, proposes to adopt and transmit the following ordinance to the Florida Department of Economic Opportunity, Division of Community Planning and Development:

ORDINANCE 2018-XX

FLU-18-05-2

Hartwood Residential, LLC

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE FUTURE LAND USE MAP FROM WELLNESS WAY 1 TO URBAN LOW DENSITY FUTURE LAND USE CATEGORY FOR A 115.89 ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF HANCOCK ROAD AND HARTWOOD MARSH ROAD, IN THE CLERMONT AREA, AS DESCRIBED IN THIS ORDINANCE; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Public hearing on the ordinance will be held on **November 20, 2018** before the Board of County Commissioners for **adoption** and transmittal to the Florida Department of Economic Opportunity, Division of Community Planning and Development, at 9:00 a.m., or as soon thereafter, in the County Commission Chambers, 2nd Floor, Round Administration Building, 315 West Main Street, Tavares, Florida.

The proposed ordinance amending the 2030 Comprehensive Plan and its staff report for the proposed amendments shall be available for review at the Office of Planning and Zoning, 315 West Main Street, Tavares, Florida, 8:00 a.m. to 5:00 p.m., Monday to Friday, excluding holidays.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if any person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at this public hearing, he or she will need a record of the proceedings, and is advised that, for such purposes, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Department of Facilities Development and Management at (352) 343-9760 at least 48 hours in advance of the public hearing.

Lake County Board of County Commissioners
Office of Planning & Zoning
352-343-9641

D046719 - November 9, 2018

Affidavit of Publication DAILY COMMERCIAL

Serving Lake and Sumter Counties

located in Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Jessica Hernandez

Jessica Hernandez

who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake and Sumter Counties, Florida; that the attached copy of advertisement, being a notice in the matter of

FLU-17-11-1

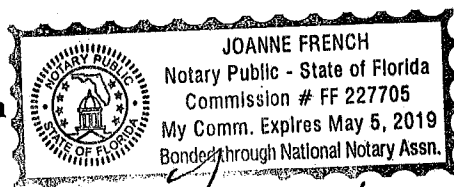
was published in said newspaper in the Lake and Sumter county issues of:

NOV 09, 2018

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake and Sumter Counties, Florida, and that the said newspaper has heretofore been continuously published in said Lake and Sumter Counties, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake and Sumter Counties, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 12 day of NOV A.D., 2018.

Joanne French
Notary Public



Joanne French
(Print, Type or Stamp Name of Notary Public)

AD#

D046729

NOTICE OF PUBLIC HEARING ON COMPREHENSIVE PLAN TEXT AND MAP AMENDMENT

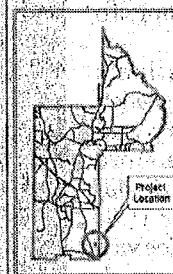
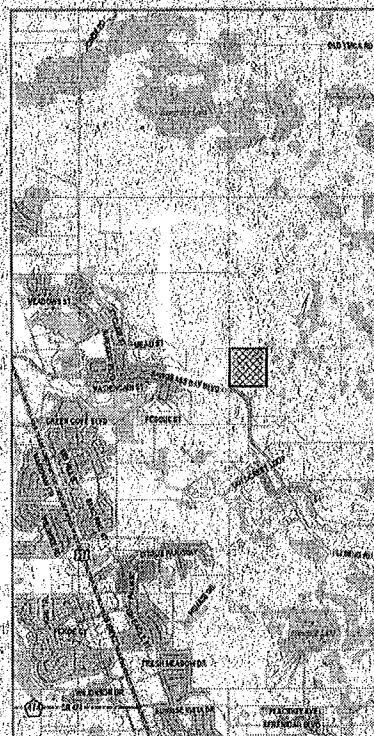
The Board of County Commissioners of Lake County, Florida, proposes to adopt and transmit the following ordinance to the Florida Department of Economic Opportunity, Division of Community Planning and Development:

ORDINANCE 2018-XX

FLU-17-11-1

Walker Property

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE FUTURE LAND USE MAP FROM WELLNESS WAY 3 TO URBAN LOW DENSITY FUTURE LAND USE CATEGORY FOR A 40 ACRE PROPERTY LOCATED NORTH OF SAWGRASS BAY BOULEVARD IN SOUTH LAKE COUNTY, AS DESCRIBED IN THIS ORDINANCE; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Public hearing on the ordinance will be held on **November 20, 2018** before the Board of County Commissioners for adoption and transmittal to the Florida Department of Economic Opportunity, Division of Community Planning and Development, at 9:00 a.m. or as soon thereafter, in the County Commission Chambers, 2nd Floor, Round Administration Building, 315 West Main Street, Tavares, Florida.

The proposed ordinance amending the 2030 Comprehensive Plan Future Land Use Map and the staff report for the proposed amendment shall be available for review at the Office of Planning and Zoning Division, 315 West Main Street, Tavares, Florida, 8:00 a.m. to 5:00 p.m., Monday to Friday, excluding holidays.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if any person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at this public hearing, he or she will need a record of the proceedings, and is advised that, for such purposes, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Department of Facilities Development and Management at (352) 343-9760 at least 48 hours in advance of the public hearing.

Lake County Board of County Commissioners
Office of Planning & Zoning
352-343-9641

D046729 - November 9, 2018

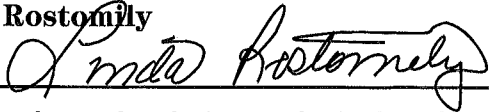
Affidavit of Publication DAILY COMMERCIAL

Serving Lake and Sumter Counties

located in Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomily



who on oath says that she is an authorized employee of the
Daily Commercial, a daily newspaper published at Leesburg,
in Lake and Sumter Counties, Florida; that the attached copy
of advertisement, being a notice in the matter of

PUBLIC HEARING

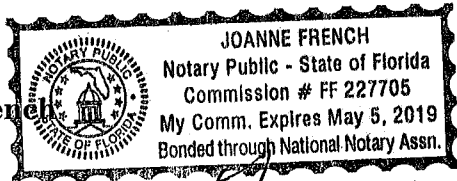
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OCT 15, 2018

Affiant further says that the said Daily Commercial is pub-
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and that the said newspaper has heretofore been continuously
published in said Lake and Sumter Counties, Florida, daily,
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office in Leesburg, in said Lake and Sumter Counties, Florida,
for a period of one year next preceding the first publication of
the attached copy of advertisement; and affiant further says
that he has neither paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for
the purpose of securing this advertisement for publication in
the said newspaper.

Sworn to and subscribed before me this 15 day of Oct
A.D., 2018.

Joanne French
Notary Public



(Print, Type or Stamp Name of Notary Public)

AD#

10081402

NOTICE OF PUBLIC HEARING

The Lake County Planning & Zoning Board will hold a 9:00 a.m. or soon thereafter, public hearing on Wednesday, October 31, 2018 in the County Commission Chambers, County Administration Building, 315 West Main Street, Tavares, FL, to consider the following ordinance which proposes to amend portions of the Land Development Regulations (LDRs):

All interested citizens are welcome to attend the public hearing and review the ordinance in the Office of Planning & Zoning, County Administration Building, Room 510, 315 West Main Street, Tavares, FL. Persons with disabilities needing assistance to participate in any of these proceedings should contact 352-343-9760, 48 hours in advance of the scheduled meeting.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by Board, they will need a record of the proceedings and they may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based. One or more County Commissioners and one or more members of different committees/boards may attend and may participate in discussions on any of the committee/board meetings noticed.

ORDINANCE 2018-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 9.01.00 "LANDSCAPING STANDARDS" AND 9.02.00 "TREE PROTECTION" BY SIMPLIFYING EXISTING LANDSCAPE STANDARDS AND TO EXEMPT RESIDENTIAL LOTS WITH AN OCCUPIED DWELLING FROM NEEDING A TREE REMOVAL PERMIT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

OFFICE OF PLANNING & ZONING
315 WEST MAIN STREET
TAVARES, FL 32778
(352) 343-9641

Ad No: 10081402
October 15, 2018